

# Notice of Allowability

Application No.

09/940,195

Examiner

Alfred E. Dudding

Applicant(s)

MILLER ET AL.

Art Unit

2853

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendments filed 27 October 2003.
2. ☒ The allowed claim(s) is/are 1-36 and 38-48.
3. ☒ The drawings filed on 27 August 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|   | 9. <input checked="" type="checkbox"/> Other <u>claim numbering</u> .                  |

  
Stephen D. Meler  
Primary Examiner

Art Unit: 2853

### DETAILED ACTION

#### *Allowable Subject Matter*

1. Claims 1 – 36 and 38 – 48 are allowed.

#### *Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Dudding whose telephone number is (571) 272-2144. The examiner can normally be reached on Monday-Friday from 8:30 AM to 4:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier, AU 2853, can be reached at (571) 272 - 2149. The fax phone number for this Group is are (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-0956.

Alfred Dudding

*aw*

*2/24/04*

  
Stephen D. Meier  
Primary Examiner

## Renumbering of Claims

Attachment to Paper # 2/24/01

The claims have been renumbered as indicated below in accordance with 37 CFR 1.126 and MPEP §§ 608.01(n) and 1302.01.

- = 1 -> 1
- = 2 -> 2
- = 3 -> 3
- = 4 -> 4
- = 5 -> 5
- = 6 -> 6
- = 7 -> 7
- = 8 -> 8
- = 9 -> 9
- = 10 -> 10
- = 11 -> 11
- = 12 -> 12
- = 13 -> 13
- = 14 -> 14
- = 15 -> 15
- = 16 -> 16
- = 17 -> 17
- = 18 -> 18
- = 19 -> 19
- = 20 -> 20
- = 21 -> 21
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- = 26 -> 26
- = 27 -> 27
- = 28 -> 28
- = 29 -> 29
- = 30 -> 30
- = 31 -> 31
- = 32 -> 32
- = 33 -> 33
- = 34 -> 34
- = 35 -> 35
- = 36 -> 36

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= 38 -> 37  
= 39 -> 38  
40 -> 39  
= 41 -> 40  
42 -> 41  
= 43 -> 42  
44 -> 43  
45 -> 44  
46 -> 45  
47 -> 46  
48 -> 47